

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCUSERVE, INC.

Plaintiff

v.

XEROX CORPORATION,

Defendant

CIVIL ACTION NO. 05-CV-10514-GAO

DEFENDANT'S RULE 26(f) AND LOCAL RULE 16.1 STATEMENT

Pursuant to Fed.R.Civ.P. 26(f) and Local Rule 16.1, the parties to this action have been unable to agree upon a schedule for the conduct of the litigation. Accordingly, the Defendant hereby proposes the following schedule:

- All Fact Discovery completed by June 30, 2006;
- Submission of Plaintiff's Expert Reports by July 13, 2006;
- Submission of Defendant's Expert Reports by August 25, 2006;
- Expert Discovery completed by October 6, 2006;
- Summary Judgment Motions filed by November 1, 2006;
- Final Pre-Trial Conference held in January 2007.

The Defendant does not, at this time, consent to trial by Magistrate Judge. The Defendant contends that the schedule for the Hearing to be held on September 14, 2005 should be limited to the setting of a schedule for the conduct of the litigation of this matter.

Respectfully submitted,

/S/ Jonathan Sablone (BBO No. 632998)
Juan A. Concepcion (BBO No. 658908)
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110
(617) 345-1000

Dated: September 7, 2005

CERTIFICATE OF SERVICE

I, Jonathan Sablone, do hereby certify that a true copy of the above document was served via first class mail upon plaintiff's counsel of record, this 7th day of September, 2005.

/S/ Jonathan Sablone